

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LASHAUNNA AIKENS,	)	
	)	
Plaintiff,	)	Civil Action No. 16-443
	)	
v.	)	Judge Cathy Bissoon
	)	
UNIVERSITY OF PITTSBURGH'S	)	
SCHOOL OF DENTAL MEDICINE,	)	
	)	
Defendant.	)	

**ORDER OF DISMISSAL**

Having been granted leave to proceed *in forma pauperis* (“IFP”), Plaintiff is subject to the screening provisions in 28 U.S.C. § 1915(e). See Atamian v. Burns, 2007 WL 1512020, \*1-2 (3d Cir. May 24, 2007) (“the screening procedures set forth in [Section] 1915(e) apply to [IFP] complaints filed by prisoners and non-prisoners alike”) (citations omitted). Among other things, that statute requires the Court to dismiss any action in which the plaintiff has failed to state a claim upon which relief may be granted. See Muchler v. Greenwald, 624 Fed. Appx. 794, 796 (3d Cir. Aug. 18, 2015).

Plaintiff alleges federal-question jurisdiction. Compl. (Doc. 3) at ¶ II. The sum total of her substantive allegations are as follows:

On Oct[ober] 8, 2015 UPMC’s insurance hot-line made an appointment [with Defendant]. Once there[,] Dr. Smith was the dentist and somehow x-ray records [of Plaintiff’s son] were released to the college as a joke and the money (insurance) [was] paid for a[n] exaggerated procedure he never received.

*Id.* at ¶ III; see also *id.* at ¶ II.B.3 (claiming, on these allegations alone, that the amount in controversy is \$25 million).

The Court must assume, as Plaintiff's Civil Cover Sheet indicates,<sup>1</sup> that Plaintiff purports to assert a civil-rights violation under Section 1983. Plaintiff's grievances, however, fail to plausibly establish either of the central tenets addressed in that statute, namely, (1) a violation of federal constitutional or statutory rights, (2) resulting from action taken under the color of state law. *See Elmore v. Cleary*, 399 F.3d 279, 281 (3d Cir. 2005). Accordingly, Plaintiff's action is **DISMISSED** under 28 U.S.C. § 1915(e)(2)(B). Because the Court can conceive of no actionable federal claim based on the allegations in the Complaint, the dismissal is made **WITH PREJUDICE**. *See Muchler* at 799 (applying futility standard within context of Section 1915(e), and affirming dismissal with prejudice).

Pursuant to 28 U.S.C. § 1915(a)(3), the Court certifies that any appeal from this Order of Dismissal would not be taken in good faith.

IT IS SO ORDERED.

April 19, 2016

s/Cathy Bissoon  
Cathy Bissoon  
United States District Judge

cc (via First-Class U.S. Mail):

LaShaunna Aikens  
2340 East Hill Drive, Apt. #13  
Pittsburgh, PA 15221

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<sup>1</sup> *See* Doc. 3-1 (citing Section 1983 as source for cause of action).